

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CODY ALAN HARRINGTON,

Defendant.

CR 23–24–M–DLC

ORDER

This order refers Defendant Cody Alan Harrington’s Notice of Intent to Plead Guilty to Counts II and III of the Indictment Without a Plea Agreement, which the Court construes as a motion to change plea (Doc. 19), to Magistrate Judge Kathleen L. DeSoto. The Ninth Circuit joined every other circuit in holding that magistrate judges can take guilty pleas, with consent, under 28 U.S.C. § 636(b)(3). *United States v. Reyna-Tapia*, 328 F.3d 1114, 1119 (9th Cir. 2003). Accordingly, Judge DeSoto shall conduct a change of plea hearing provided the parties consent. The hearing will be set by separate order from Magistrate Judge DeSoto.

IT IS FURTHER ORDERED that the United States shall file a response indicating whether it wishes to retain the current trial setting for July 5, 2023, as to

Count I of the Indictment on or before June 26, 2023.

DATED this 23rd day of June, 2023.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

Dana L. Christensen, District Judge
United States District Court